IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 24171 of 2004

Between:

Koteswari Lace Industries, 14-10-13, Roypet,

Narsapur, West Godavari District - 534 275,

rep. by its Partner P. Sambaiah.

..... PETITIONER

AND

The Regional Provident Commissioner-II,

Rajahmundry, East Godavari District and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the order of the 1st respondent rejecting the review application and to set aside the proceedings No.AP/RJY/36608/7B/E&F/BVRM/2004/1246, dated 16.07.2004 as illegal and arbitrary and consequently to quash the proceedings dated 01.10.2004 issued by the 3rd respondent vide proceedings Lr.No.AP/3660-8/E.O/BVRM/2004/307, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

Admittedly, the petitioner has not questioned the order passed under Section 7-A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (for short 'the Act') before the appellate authority, but, instead, as there is review provision under Section 7-B of the Act, the petitioner has filed a review application before the 1st respondent which was rejected by the impugned order dated 16.07.2004.

Under Section 7-B of the Act, no appeal lies against the review rejection order, but only appeal lies under Section 7-I of the Act against the original order passed under Section 7-A of the Act before the appellate authority. Therefore, the writ petition cannot be entertained and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. However, it is left open for the petitioner to file appeal against the original order passed under Section 7-A of the Act before the appellate authority, within a period of four weeks from the date of receipt of a copy of this order, if he is so advised. No order as to costs.

V.ESWARAIAH.J

Dated: 18.11.2005

Dsr